

REMARKS

Applicants appreciate the Examiner's careful consideration and favorable treatment of the present application in which claims 5-10 were indicated as being allowable.

In the outstanding Office Action, claim 2 stands rejected under 35 U.S.C. 102(b) as being unpatentable by GB 1076315. Claim 2 also stands rejected as being unpatentable over GB 1081707 in view of GB 1076315 and claims 2-4 stand rejected as being unpatentable over EP 0301724 in view of GB 1076315.

Applicants respectfully traverse this rejection for the following reasons. Claim 2 has been amended to further define the present invention and distinguish over the cited references. Amended claim 2 recites a gearbox that includes only a single actuating device for automated shifting and selection of a gear ratio. The gearbox is also constructed such that the swivel movement of the drive output element carries out a movement to engage a gear ratio or select a shift slot and at the same time acts upon a force accumulator (e.g., a coil spring). Amended claim 2 recites that the force accumulator is of a rotary type and the force accumulator is capable of being placed into a rotary pretension. The force accumulator is the member that activates an intermediate element to operate the gearbox operating element for selection or shifting.

Applicants respectfully contend that amended claim 2 includes at least one feature that is neither disclosed nor suggested by any of the cited references. More specifically, the EP 0301724 reference discloses an actuator device for shifting and selecting; however, the actuator device is operated by means of two motors. In contrast, the present invention as claimed recites a gearbox

that requires only one actuator and only one operating actor (e.g., a motor 100). Applicants respectfully submit that this reference fails to disclose an operable gearbox that operated by means of only one actuator/operating element, such as a motor; and in contrast, the gearbox of the cited reference requires two motors. By providing a construction that requires only one motor, a number of advantages are realized and more particularly, the present gearbox is clearly more cost effective and thus, offers an advantage.

While the prior art references GB 1076315 and GB 1081707 describe arrangements where the selecting and shifting is performed by means of only one motor, the shift movement in these references is a translatory movement. In the reference GB 1081707, this translatory movement is realized by means of two levers 13 and 32 (see Figure 3). In amended claim 2, the force accumulator is of a rotary type and the force accumulator is capable of being placed into a rotary pretension. The force accumulator is the member that activates an intermediate element to operate the gearbox operating element for selection or shifting. This is in contrast to the translatory movement that is disclosed in the cited references. In other words, the members that the Examiner is referring to as the force accumulators in the cited references are neither disclosed nor suggested by the cited references, either alone or taken together. In particular, the rotary nature and action of the accumulator that are recited in amended claim 2 are lacking in the cited references. Along these notes, the rotatory pretension aspect of the force accumulator is likewise not disclosed in the cited references.

Reconsideration and allowance of claim 2 are respectfully requested in view of the foregoing comments.

Claims 3-10 should be allowed as depending from what should be an allowed independent claim 2, as amended. Since Applicants believe that amended claim 2 is allowable, Applicants have not at this time rewritten claims 5-10 into allowable form.

Applicants have added claim 11 for consideration and allowance. Applicants respectfully submit that claim 11 should be allowed for the same reasons that claim 2 should be allowed, as set forth above. In addition, claim 11 clearly recites that the shift movement results from rotatory energy storage and energy release actions of the force accumulator. This feature is clearly lacking in the cited references.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By _____
Edward J. Ellis

Registration No.: 40,389
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant